IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14713 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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DAULATBIBI HAIDERKHANJI MALIK W/O HAIDARKHAN - Petitioner(s)

Versus

STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

MS HINA DESAI for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 1 - 4.
MR HS MUNSHAW for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 22/12/2005

ORAL JUDGMENT

1. In this petition under Article 226 of the Constitution of India, the petitioner has prayed for appropriate writ, order and/or direction directing the respondents to comply with the directions given by the learned Lokpal and District Judge, Surendranagar dtd.13/6/2002 with regard to the financial assistance to be paid to the petitioner for the damage caused to the residential house of the petitioner which came to be damaged / destroyed in the unfortunate earthquake took place on 26/1/2001.

2. It appears from the record that as the petitioner was not paid the financial assistance / compensation for the damage / destruction to the residential premises of the petitioner, the petitioner approached the learned Lokpal and

District Judge, Surendranagar by way of an application dtd.15/4/2002 and the learned Lokpal and District Judge, Surendranagar by order dtd.13/6/2002 has directed the respondents more particularly respondent No.4 to pay financial assistance / compensation to the petitioner.

3. After the rule was issued by this Court, the respondent No.3 has preferred Special Civil Application No.23643 of 2005 before this Court challenging the order passed by the learned Lokpal and District Judge, Surendranagar dtd.13/6/2002, of which the petitioner wants compliance and this Court by order dtd.14/12/2006 dismissed the said petition. Thus, the dtd.13/6/2002 passed by the learned Lokpal and District Judge, Surendranagar is confirmed by this Court and the same has become final.

4. In the result, the respondents more particularly the respondent No.3 is directed to

comply with the directions issued by the learned Lokpal and District Judge, Surendranagar dtd.13/6/2005 passed in Application dtd.15/4/2002 and pay financial assistance to the petitioner as expeditiously as possible preferably within a period of FOUR MONTHS from the date of receipt of writ of this order. Rule is made absolute to the aforesaid extent. However, there will be no order as to costs. D.S. Permitted.

(M.R. SHAH,J.)

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